IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 34034 of 2006(B)

PETITIONER:

CHEELANGATT PUSHPARAJ, AGED 53 YEARS,
S/O. C.PERU, RESIDING AT CHEELANGATT HOUSE,
NEDUNGOTTUR AMSOM, DESOM, CIVIL STATION P.O.,
CALICUT-20.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS:

---

1. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES PROVIDENT FUNDS AND
MISCELLANEOUS PROVISIONS, KOZHIKODE.

2. THE RECOVERY OFFICER,
EMPLOYEES' PROVIDENT FUNDS, BHAVISHYA NIDHI BHAVAN
P.B.NO.1806, ERANHIPALAM P.O., KOZHIKODE.

BY ADV.SRI.THOMAS MATHEW NELLIMOOTTIL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

= =

WP(C).No.34034 OF 2006-B

= =

Dated this the 14th day of February, 2007.

JUDGMENT

On 20-12-2006, at the time of admission, there was a direction that coercive steps will remain stayed for six weeks, if the petitioner pays an amount of Rupees one lakh. Going by Exts.P6 to P8, an amount of Rupees one lakh has been paid by 30-1-2007. The total outstandings due from the petitioner to the Employees' Provident Funds are more than Rupees five lakhs.

2. The plea of the petitioner, who is engaged in contract works, is that certain amounts are due to him from the Indian Oil Corporation and that the Employees' Provident Funds may take necessary action for recovery of such amounts from the IOC. The learned standing counsel for the EP Funds points out that Indian Oil Corporation has intimated that the liabilities of the petitioner to the IOC are in excess of whatever could be due from the IOC to him and on reconciliation, no

excess amount is due to be paid to the petitioner. Under such circumstances, that argument of the petitioner fails.

3. To enable the petitioner to wipe off the entire outstandings and avoid coercive action, it is directed that if the petitioner continues to remit at the rate of Rupees thirty thousand per month payable on or before the last working day of every month commencing from February, 2007, without fail, coercive steps will be kept in abeyance till the petitioner wipes off the entire outstandings due to the EP Funds covered by the impugned proceedings. If the petitioner fails to remit any of the instalments as aforesaid, the benefit of this judgment will stand recalled automatically and the respondents will be at liberty to proceed with the recovery action forthwith. It is also clarified that this judgment does not touch on any liabilities other than those covered by the impugned orders.

4. The writ petition is disposed of with the aforesaid directions.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-